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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,433	06/05/2001	Ayman Hariri	0350.0002C	5154

27896 7590 10/06/2005  
EDELL, SHAPIRO & FINNAN, LLC  
1901 RESEARCH BOULEVARD  
SUITE 400  
ROCKVILLE, MD 20850

EXAMINER

DEANE JR, WILLIAM J

ART UNIT PAPER NUMBER

2642

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/873,433

Applicant(s)

HARIRI ET AL.

Examiner

William J. Deane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-61 and 78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-61 and 78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9 pages</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1 – 61 and 78, in the reply of 18 May 2005 is acknowledged.

Applicants' response that claims 68 – 77 were not treated and that claims 68 – 77 depend, either directly or indirectly, on claim 66, which claim 66 is part of Group I is incorrect.

Claim 66 was part of Group III not Group 1, and therefore, claims 68 – 77 which depend from claim 66 would also be grouped in Group III.

The examiner apologizes for the typographical error with regard to Group III. In the requirement for restriction mailed 03/18/2005, Group III was characterized as being claims 66 – 67 and should have been written as 66 – 77. Therefore, the claims treated in this Office Action will be claims 1 – 61 and 78.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2, 4 – 9, 11, 13 – 23, 25, 46 – 53, 55 – 61 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over \*U.S. Patent No. 6,754,317 (Berthoud et al.) in view of U.S. Patent No. 6,104,799 (Jain et al.).

With regards to claims 1 – 2, 4 – 5, 7 - 9, 20 – 21, 56, 58 – 59 and 78, Berthoud et al. teach a universal point of contact identifier (the e-mail address), a plurality of point of contact information for contacting a person (Col. 3, lines 10 – 17 and Col.4, lines 15 – 25) and then automatically establishing a communication session (Abstract and Col. 4, lines 25 – 28). What Berthoud et al. do not explicitly teach is the choosing of a preferred contact number. However, Jain et al. teach that such is old in the art at Col. 1, line 54 – Col. 2, line 14. It would have been obvious to one of ordinary skill in the art to have incorporated such a customer profile indicating referred contact information as taught by Jain et al. into the Berthoud et al. device and method in order to increase the likelihood of establishing a connection with the intended target of the call.

With respect to claim 2, 57 and 60, devices that are both a telephone and a fax machine are notoriously old in the art and since both types of devices use telephone numbers (sometimes the same telephone number and sometimes different numbers) to send and receive information, such a device having both telephone and fax capabilities would have been obvious to one of ordinary skill in the art.

With respect to claims 6 - 7, 22 – 23, 52 note Col 2, lines 31 – 62 of Berthoud et al.).

With respect to claims 8 – 9, 50, and 55, the ability to encrypt such information is notoriously old in the art that doing such would have been obvious to one of ordinary skill in the art.

With respect to claims 11, 25 use of a mailbox or voicemail (Abstract of Jain et al.).

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With respect to claims 13 - 16, note Col. 4, lines 15 – 36 of Jain et al.

With respect to claim 17 note Col. 1, lines 9 – 18, Col. 1, lines 25 – 41 and Abstract of Jain et al.

With respect to claims 18 – 19, note the above.

With respect to claims 46, 49 and 51, displaying information contained in a database is notoriously old in the art and would have been obvious to one of ordinary skill in the art.

With respect to claims 47 - 48, 53 note the above

With respect to claim 61, note Col. 2, lines 28 – 38 of Berthoud et al.

***Claim Rejections - 35 USC § 103***

Claims 3, 10, 12, 24, 26 – 45 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berthoud et al. in view of Jain et al. and further in view of U.S. Patent Application No. 2002/0042846 (Bottan et al.).

With regard to claims 3, 10, 24, 26, 38 – 41, 44 – 45, 54 Bethoud et al. and Jain et al. teach the claimed limitations except for the specific plurality of contact information, such as fax number, e-mailing address and etc. However, note that Bottan et al. teach that such information contained in a database or repository is old in the art (Paragraph 0159). It would have been obvious to have incorporated such a database with such multiple types of contact information as taught by Bottan et al. into the Berthoud/Jain device and method, as such would only entail the substitution of one known database containing contact information for another. It would have been also obvious to have as

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much contact information as possible, again, in order to increase the likelihood of establishing a connection with the intended target of the call.

With respect to claim 12, note Paragraph 0159 of Bottan et al.

With respect to claim 27, note use of e-mail in Berthoud et al. noted above

With respect to claim 28, note Col. 2, lines 21 – 43 of Berthoud et al.

With respect to claims 29 –32 and 34 note the discussion above.

With respect to claim 33, note Col. 3, lines 28 – 38 and Paragraph 0180 of Bottan et al. VRUs are usually the front end of an ACD.

With respect to claims 35 – 36 and 42, the ability to encrypt such information is notoriously old in the art that doing such would have been obvious to one of ordinary skill in the art.

With respect to claim 37, speech to text is notoriously old in the art and would be obvious to one of ordinary skill in the art in light of the discussion above.

With respect to claim 43, note Col. 2, lines 21 – 63 of Berthoud et al.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Application No. 2004/0202299 (Schwartz) – note Abstract and Figs.;

U.S. Patent Application No. 2002/0118800 (Martinez et al.) – note Abstract and Figs.; and

U.S. Patent Application No. 2002/0007421 (Dixon et al.) – note Abstract and Figs.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

24Sep05



**WILLIAM J. DEANE, JR.**  
**PRIMARY EXAMINER**